

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:09cv550**

SABRINA M. MONROE,

Plaintiff,

Vs.

ALLIED RESOURCES, USA, LTD.,

Defendant.

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ORDER

THIS MATTER is before the court on the court's second Motion to Dismiss for want of prosecution. On August 13, 2010, the Clerk of Court issued a Notice of Lack of Prosecution, indicating that the case is subject to dismissal pursuant to Federal Rules of Civil Procedure 4(m). The Clerk provided notice therein that service had not been accomplished within the prescribed 120-day time period. On August 19, 2010, plaintiff filed an affidavit of service of process indicating that she obtained service on April 14, 2010, by serving defendant's registered agent for service of process. Such defendant's Answer or other responsive pleading was, therefore, due to be filed on or about May 1, 2010. On March 23, 2011, this court entered its Order directing plaintiff to seek entry of default or take other appropriate action within 14 days. Plaintiff moved for entry of default, default was entered by the Clerk, but no further action was taken by plaintiff.

Now, nearly a year later, plaintiff has not moved for entry of default judgment. Plaintiff shall move for entry of default judgment within 14 days or this case will be dismissed for want of prosecution. Rule 42(b), Federal Rules of Civil Procedure, provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule — except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 — operates as an adjudication on the merits.

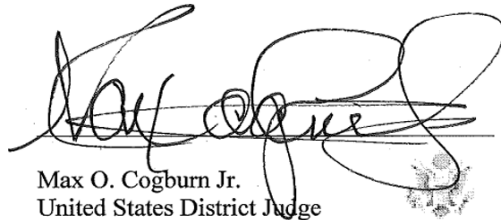
Fed.R.Civ.P. It is plaintiff's burden to move this case forward, and plaintiff will be required to take appropriate action within the next 14 days by moving for entry of default judgment or filing a Rule 41 notice of voluntary dismissal.

**FAILURE TO TAKE ACTION WITHIN 14 DAYS WILL RESULT IN
DISMISSAL OF ALL CLAIMS AGAINST DEFENDANTS WITHOUT
PREJUDICE.**

ORDER

IT IS, THEREFORE, ORDERED that within 14 days of entry of this Order, plaintiff shall move for entry of default judgment or file a Rule 41 notice of voluntary dismissal. Absent such filing, this action shall be dismissed without prejudice on March 16, 2012.

Signed: March 28, 2012



Max O. Cogburn Jr.
United States District Judge